

000411

## RECOMMENDATIONS

331  
18/23

### COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

**CASE NO. 106141**

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#### STAFF'S

Please indicate recommendation for each action. ie: resolution/ ordinance

Approve Tentative Map No. 352695.

Approve Easement Abandonment No. 366059.

Approve Public Right-of-Way Vacation No. 366060.

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**PLANNING COMMISSION** (list names of Commissioners voting yea or nay)

**YEAS: 6 – Schultz, Garcia, Ontai, Naslund, Otsuji, Smiley**

**NAYS: 0**

**ABSTAINING: Griswold absent**

TO: Recommend that the City Council: Approve Tentative Map No. 352695; Approve Easement Abandonment No. 366059  
And Approve Public Right-of-Way Vacation No. 366060.

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**COMMUNITY PLANNING GROUP** (choose one)

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 20

Opposed: 1

By \_\_\_\_\_  
Project Manager

000413



THE CITY OF SAN DIEGO

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CITY CLERK'S OFFICE

07 OCT -3 AM 10:14

SAN DIEGO, CALIF.

## REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 12, 2007      REPORT NO. PC-07-103

ATTENTION: Planning Commission, Agenda of July 19, 2007

SUBJECT: 15640 BERNARDO TENTATIVE MAP - PROCESS 5

OWNER: EQR Deerwood Vista, Inc.

APPLICANT: Project Design Consultants.

### SUMMARY

**Issue(s):** Should the Planning Commission recommend approval of a Tentative Map to convert 316 existing apartment units into condominiums, vacate a remnant portion of Camino Del Norte shown as a future street reservation, and abandon portions of a general utility easement on a 27.05 acre site located at 15640 Bernardo Center Drive?

### Staff Recommendation:

1. APPROVE Tentative Map No. 352695; and
2. APPROVE Easement Abandonment No. 366059; and
3. APPROVE Public Right-of-Way Vacation No. 366060.

**Community Planning Group Recommendation:** On February 15, 2007, the Rancho Bernardo Community Planning Board voted 20-1-0 to recommend approval of the project (Attachment 9). The Board made several project related recommendations discussed further in this report.

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on July 25, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 6, 2007. The scope of the subject hearing only includes the project, and not the environmental determination.

**Fiscal Impact Statement:** None. All of the cost associated with processing this application is paid for by the applicant.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The Rancho Bernardo Community Plan designates the 27.05 acre site for Low-Medium Density Residential 9 to 14 dwelling units per acre. Based on this land use designation, the project site could accommodate 243 to 379 dwelling units. Therefore, the existing 316 dwelling units are consistent with the recommended land use and density of the Community Plan. The proposed conversion would result in the loss of 316 rental units and a gain of 316 for-sale units. Condominium conversion projects of twenty or more units are required to satisfy the inclusionary housing requirements on-site, therefore 32 units will be sold as affordable units at restricted prices to eligible households.

## **BACKGROUND**

The existing complex was constructed in 1988 pursuant to Planned Residential Development permit (PRD) No. 87-0943 and the R-3000 development regulations in effect at the time. The complex was constructed with 315 units within 37 separate structures and a manager's apartment above the recreation facility. Surrounding land uses include a light industrial park to the north, open space to the east, a small commercial node to the south and single-family development to the south and west.

## **DISCUSSION**

### **Project Description:**

The proposed project is requesting a Tentative Map to convert 316 residential units into condominiums on a 27.05 acre site located at 15640 Bernardo Center Drive at the intersection of Bernardo Center Drive and Camino Del Norte in the Rancho Bernardo Community Plan area. The project was the subject of two previous discretionary development permits including Planned Residential Development Permit 85-0154 which was subsequently amended by Planned Residential Development Permit 87-0943. The site was eventually developed pursuant to the amended PRD and construction of the existing improvements was permitted in 1988. The existing buildings consist of two floors of habitable space over grade-level semi-enclosed parking. The unit mix ranges from 900 square feet to 1,995 square feet and includes two bedrooms with one bath, two bedrooms with two baths and three bedrooms with two baths. The project requires a minimum of 427 off-street parking spaces to comply with current condominium parking standards. The proposed project provides 674 off-street spaces. A total of 374 of the spaces are covered carports below the units and the remaining 300 spaces are open surface parking. The proposed Tentative Map also includes a request to vacate an unused portion of a "future street easement" for Camino Del Norte and easement abandonment for portions of general utility easements on the property.

Community Plan Analysis:

The proposed project is located on a 27.05 acre site within the Rancho Bernardo Community Planning Area. The site is designated in the Plan for Low-Medium Density Residential (9-14 dwelling units per acre). Based on this land use designation, the project site could accommodate 243 to 379 dwelling units. Therefore the existing 316 dwelling units are in conformance with that land use designation. The Community Plan does not include any policy language relating to condominium conversions; however, it does include the goal of creating a balanced community with a wide variety of housing types, densities, unit sizes and prices. The provision of 32 affordable units onsite, to satisfy the inclusionary housing requirements, is in conformance with the Community Plan goal to create a balanced community.

Community Planning Board Recommendation

The Rancho Bernardo Community Planning Board (RBCB) voted 21-1-0 to approve the project at their regular monthly meeting on February 15, 2007. Included as part of the discussion were issues related to traffic, an existing building restricted easement on the project site, a request for the addition of a bike lane and the adequacy of an existing sound wall (Attachment 9). These issues are addressed below:

1. Traffic: The RBCB recommended that a traffic engineer look at traffic issues in the area.

*Staff Response:* During the course of the project review staff determined that the proposed conversion would not generate any additional trips above that currently existing on the site. Therefore, a traffic study was not required for the project.

2. Building Restrictive easement: The RBCB motion included a recommendation that an existing building restrictive easement remain as a part of the tentative map.

*Staff Response:* The building restrictive easement is maintained as a part of the tentative map.

3. Bike Lane: The RBCB recommended that a bike lane be installed as a part of the project consistent with the community plan.

*Staff Response:* The proposed conversion and associated easement vacations are mapping actions. There is no nexus to require off site improvements as a part of the project approval. However, a bike lanes are existing adjacent to the property in the right-of-way of both Camino Del Norte and Bernardo Center Drive.

4. Sound Wall: During the course of the project discussion it was asked if the existing sound wall provided an adequate level of sound proofing.

*Staff Response:* The sound wall was constructed as a part of the project in 1988 and has previously conforming rights to remain. The proposed mapping action would not require additional levels of sound proofing.

**Project-Related Issues:****Tentative Map**

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decision maker may approve a tentative map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

**Public Right-of-Way Vacation**

A remnant triangular sliver of public right-of-way along Camino Del Norte is proposed to be vacated as a part of the tentative map. The right-of-way was dedicated as part of the original subdivision as a "future street reservation" however the reservation was not used when the street was improved and has been determined to no longer be necessary, therefore staff has required the developer to vacate the dedication as a part of the tentative map.

**Easement Abandonment**

The developer is also requesting to vacate portions of general utility easements dedicated on the site but never utilized for their intended purpose. Alternative utility easements were dedicated within the project's access roads and along the exterior of the property where utilities exist and are to remain. The original unused easements have several structures built over them. These physical encroachments have no effect on the property when the units are apartments but would encumber the title for sale of individual units if the proposed tentative map to convert the units to condominiums is approved. Staff has no objection to the abandonment of the unused easements.

**Inclusionary Housing**

This condominium conversion project was deemed complete on July 12, 2006, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance. Condominium conversion projects of twenty or more units are required to satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306 of the San Diego Municipal Code. Therefore, prior to the recordation of the final map, the Subdivider must enter into an agreement with the San Diego Housing Commission to assure that the 32 (10%) of the affordable units are sold at restricted prices to eligible households. Additionally, the proposed conversion shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development.

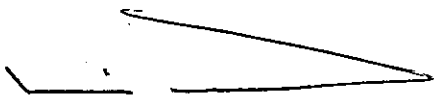
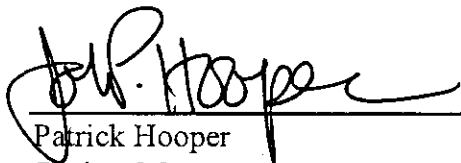
**Conclusion:**

The project proposes a tentative map to convert 316 residential units into condominiums and vacate unused portions of the public right-of-way and general utility easements. Staff has reviewed the application and determined the project complies with the Subdivision Map Act and the applicable sections of the Land Development Code including the Inclusionary Housing regulations and the new Condominium Conversion regulations. Staff determined that the proposed conversion is consistent with the recommended land use and density of the Rancho Bernardo Community Plan. Staff concluded that the proposed vacation of existing right-of-way and utility easements are appropriate actions for the tentative map in that the easements are no longer required and there is no public benefit to maintaining the unused easements. The project was determined to be exempt from environmental review pursuant to CEQA Guidelines. The Rancho Bernardo Community Planning Board recommended approval of the project. Therefore, staff recommends the Planning Commission forward this application to the City Council with a recommendation to approve the project.

**ALTERNATIVES**

1. **Approve** Tentative Map, No. 352695, Easement Abandonment No. 366059 and Public Right-of-way Vacation No. 366060, **with modifications.**
2. **Deny** Tentative Map, No. 352695, Easement Abandonment No. 366059 and Public Right-of-way Vacation No. 366060, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

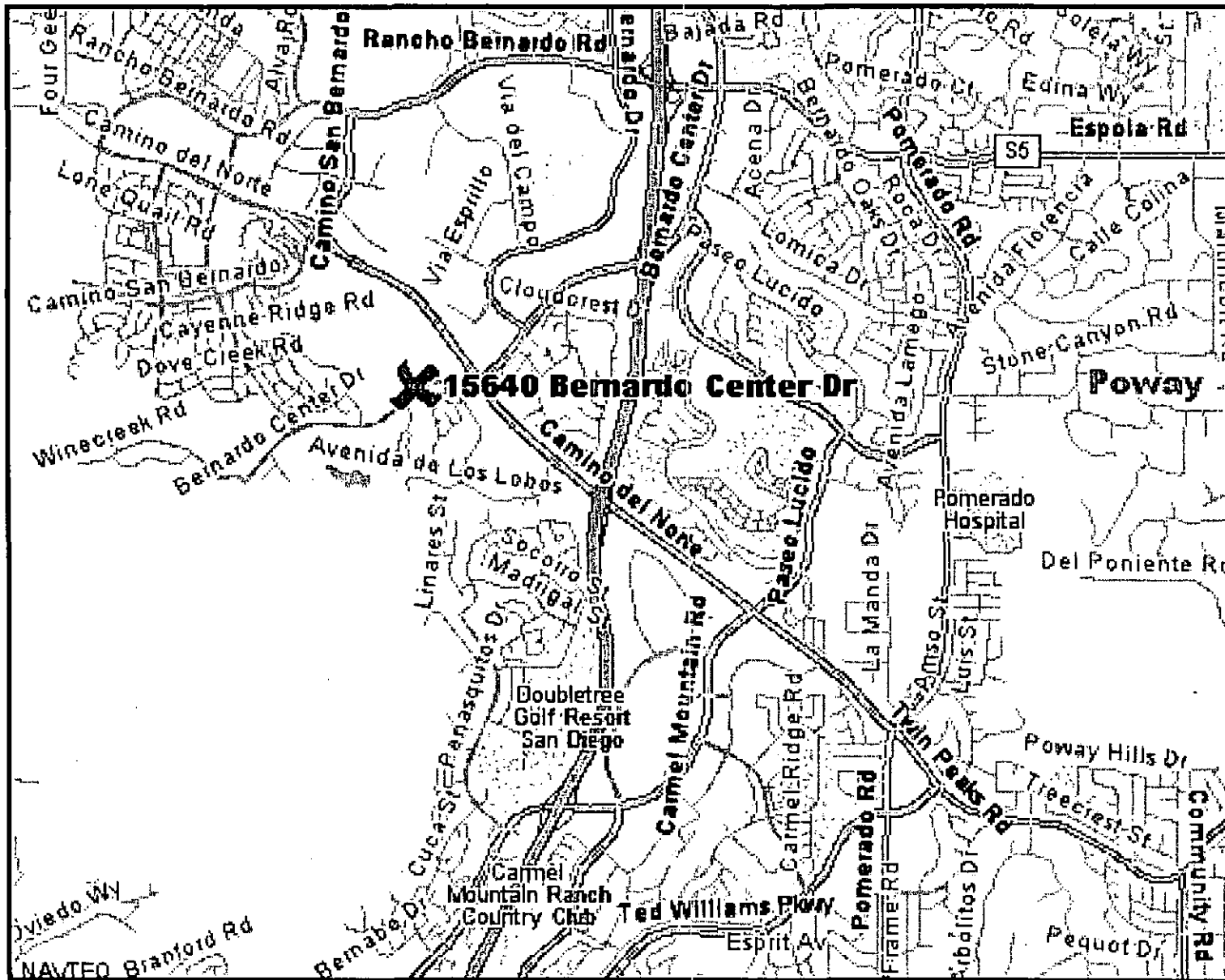
  
\_\_\_\_\_  
Mike Westlake  
Program Manager  
Development Services Department  
\_\_\_\_\_  
Patrick Hooper  
Project Manager  
Development Services Department

ESCOBAR-ECK/JPH

**Attachments:**

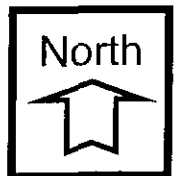
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Tentative Map

7. Project Plans
8. Draft Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Building Conditions Report (forwarded to Planning Commission only)



## Project Location Map

15640 BERNARDO TENTATIVE MAP - PROJECT NO. 106141  
15640 Bernardo Center Drive



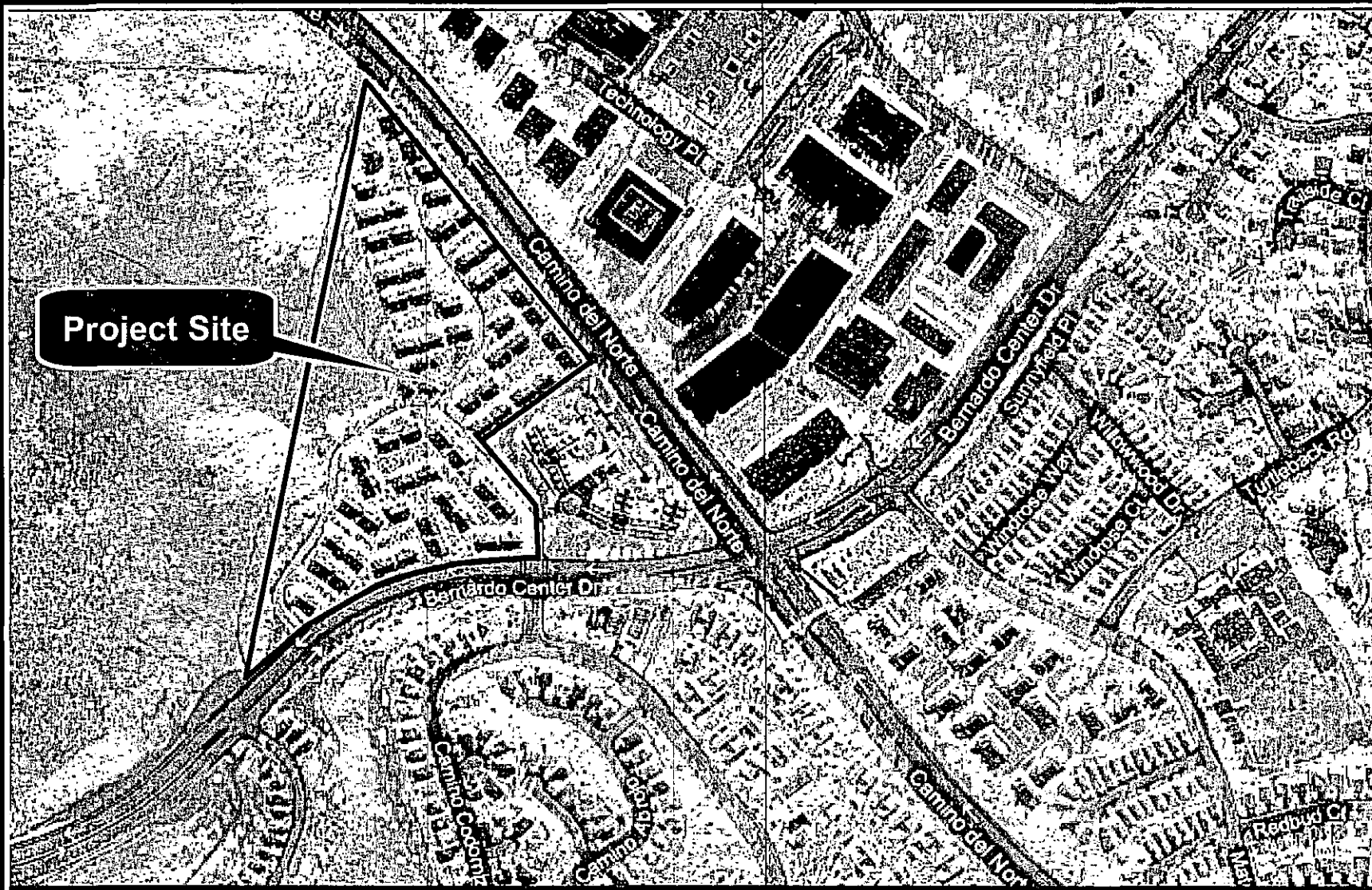




**15640 BERNARDO TENTATIVE MAP – PROJECT NO. 106141**

North





## Aerial Photo

15640 BERNARDO TENTATIVE MAP – PROJECT NO. 106141

15640 Bernardo Center Drive

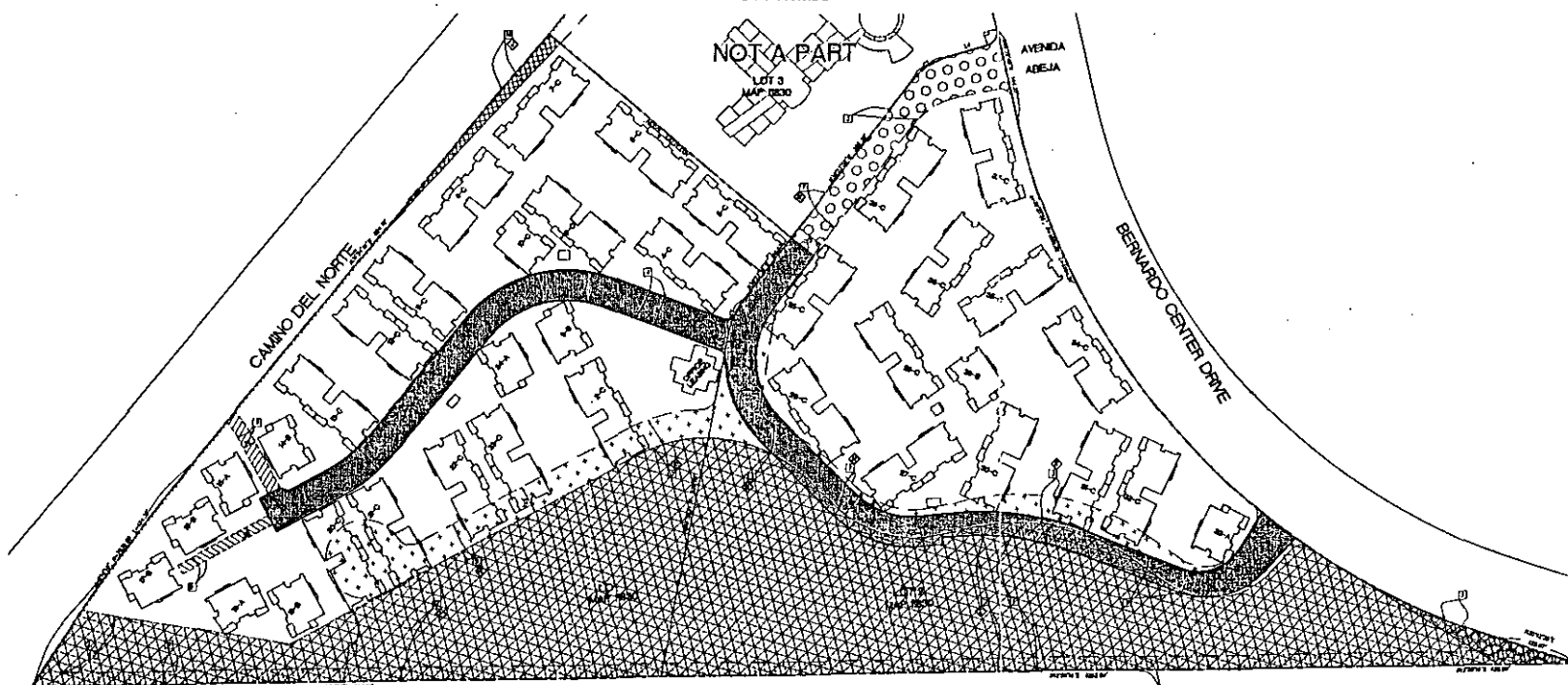


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## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	15640 Bernardo Tentative Map	
<b>PROJECT DESCRIPTION:</b>	Conversion of 316 existing units into condominiums and vacation of portions of the public right-of-way and general utility easement.	
<b>COMMUNITY PLAN:</b>	Rancho Bernardo	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map/Right-of-Way Vacation/Easement Abandonment	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Residential	
<b><u>CURRENT ZONING INFORMATION:</u></b> <b>ZONE:</b> RM-1-1: Multi-family residential <b>DENSITY:</b> 1 dwelling unit per 3,000 sq.ft. of lot area <b>HEIGHT LIMIT:</b> 30 feet <b>LOT SIZE:</b> 3,000 square-foot minimum lot size. <b>FLOOR AREA RATIO:</b> 0.75 maximum. <b>FRONT SETBACK:</b> 15 feet <b>SIDE SETBACK:</b> 5 feet <b>STREETSIDE SETBACK:</b> 10 feet <b>REAR SETBACK:</b> 15 feet <b>PARKING:</b> 427 spaces required		<b><u>CONSTRUCTED</u></b> R-3000/PRD 87-0943 1du/3,000 sq.ft. Three-story 27.05 acre Not available 10 feet 5/10 feet N/A 15 feet 674 spaces
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	IP-2-1, Industrial Park	Office Industrial
<b>SOUTH:</b>	RS-1-14 Residential	Single-family Residential
<b>EAST:</b>	CN-1-2, Commercial	Commercial Node
<b>WEST:</b>	Rancho Santa Fe	Open Space/Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On February 15, 2007, the Rancho Bernardo Community Planning Board voted 21-1-0 to recommend approval of the proposed project.	

# VESTING TENTATIVE MAP NO. 352695 DEERWOOD PROJECT NUMBER 106141



## WORK TO BE DONE

- 1. A PORTION OF LOT 1, DEERWOOD, THAT BOUNDARY LINE AND MAP SHALL BE IN ACCORDANCE WITH LOT 1 OF MAP 352695.
- 2. A PORTION OF LOT 1, DEERWOOD, THAT BOUNDARY LINE AND MAP SHALL BE IN ACCORDANCE WITH LOT 1 OF MAP 352695.
- 3. A PORTION OF LOT 1, DEERWOOD, THAT BOUNDARY LINE AND MAP SHALL BE IN ACCORDANCE WITH LOT 1 OF MAP 352695.

## EASEMENTS

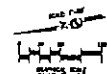
1. EASEMENT TO BE GRANTED TO THE CITY OF SAN JOSE FOR THE USE OF THE SAN JOSE WATER TREATMENT PLANT, AS SHOWN ON THE MAP.
2. EASEMENT TO BE GRANTED TO THE CITY OF SAN JOSE FOR THE USE OF THE SAN JOSE WATER TREATMENT PLANT, AS SHOWN ON THE MAP.
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## MISC. EASEMENTS

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## LEGEND

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## ENGINEER OF WORK

PROJECT DESIGN CONSULTANTS  
1000 BAYVIEW AVENUE, SUITE 100  
SAN JOSE, CALIF. 95131  
PHONE (408) 298-1000



## BOUNDARY TABLE

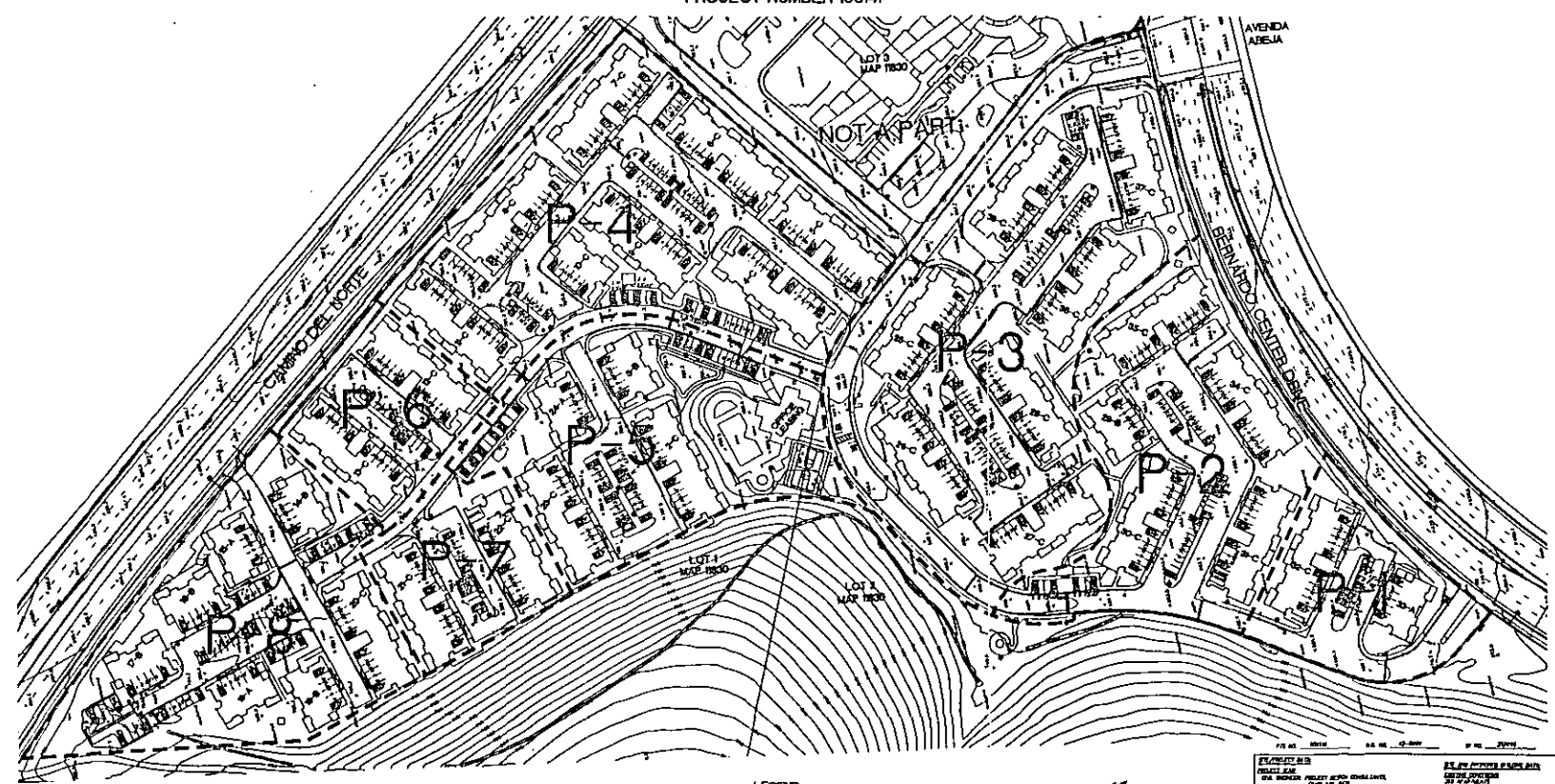
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<p>PROJECT NAME DEERWOOD PROJECT DESIGN CONSULTANTS 1000 BAYVIEW AVENUE, SUITE 100 SAN JOSE, CALIF. 95131 PHONE (408) 298-1000</p> <p>PROJECT NUMBER 106141</p> <p>DATE JULY 1, 1995</p> <p>BY JULY 1, 1995</p> <p>FOR JULY 1, 1995</p> <p>PROJECT DESIGN CONSULTANTS 1000 BAYVIEW AVENUE, SUITE 100 SAN JOSE, CALIF. 95131 PHONE (408) 298-1000</p>	<p>PROJECT NAME DEERWOOD PROJECT DESIGN CONSULTANTS 1000 BAYVIEW AVENUE, SUITE 100 SAN JOSE, CALIF. 95131 PHONE (408) 298-1000</p> <p>PROJECT NUMBER 106141</p> <p>DATE JULY 1, 1995</p> <p>BY JULY 1, 1995</p> <p>FOR JULY 1, 1995</p> <p>PROJECT DESIGN CONSULTANTS 1000 BAYVIEW AVENUE, SUITE 100 SAN JOSE, CALIF. 95131 PHONE (408) 298-1000</p>
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# VESTING TENTATIVE MAP NO. 352695 DEERWOOD PROJECT NUMBER 106141



## PARKING TABLES

PARKING ZONE	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES
P-1	10	10	10
P-2	10	10	10
P-3	10	10	10
P-4	10	10	10
P-5	10	10	10
P-6	10	10	10

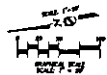
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5	10	10	10
6	10	10	10

TYPE OF PARKING	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES
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3	10	10	10
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5	10	10	10
6	10	10	10

1. PARKING SPACES SHALL BE CONSIDERED AS A MINIMUM OF 10' BY 20' IN SIZE.  
2. PARKING SPACES SHALL BE CONSIDERED AS A MINIMUM OF 10' BY 20' IN SIZE.  
3. PARKING SPACES SHALL BE CONSIDERED AS A MINIMUM OF 10' BY 20' IN SIZE.  
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## LEGEND

- P-1 PARKING ZONE
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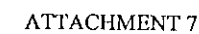


ENGINEER OF WORK  
PROJECT DESIGN CONSULTANTS  
10000 DEERWOOD DRIVE  
SAN DIEGO, CA 92121  
TEL: (619) 594-1111  
FAX: (619) 594-1112

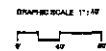


PROJECT DESIGN CONSULTANTS  
10000 DEERWOOD DRIVE  
SAN DIEGO, CA 92121  
TEL: (619) 594-1111  
FAX: (619) 594-1112

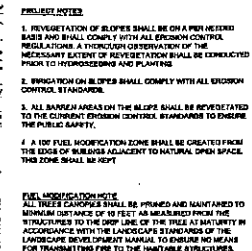
<p>PROJECT NO. 106141</p> <p>DATE: 01/11/2001</p> <p>BY: J. L. LEE</p> <p>CHECKED: J. L. LEE</p> <p>APPROVED: J. L. LEE</p> <p>DATE: 01/11/2001</p>	<p>PROJECT NO. 106141</p> <p>DATE: 01/11/2001</p> <p>BY: J. L. LEE</p> <p>CHECKED: J. L. LEE</p> <p>APPROVED: J. L. LEE</p> <p>DATE: 01/11/2001</p>
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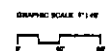






### FILE MODIFICATION AND LANDSCAPE CUL

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CITY COUNCIL RESOLUTION NO. DRAFT  
TENTATIVE MAP NO. 352695  
EASEMENT ABANDONMENT NO. 366059  
RIGHT-OF-WAY VACATION NO. 366060  
15640 BERNARDO TENTATIVE MAP – PROJECT NO. 106141

DRAFT

WHEREAS, EQR Deerwood Vista, Inc, Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 352695, Easement Abandonment No. 366059 and Public Right-of-way Vacation No. 366060, for the conversion of 316 residential units into condominiums. The project site is located on a at 15640 Bernardo Center Drive in the RM-1-1 Zone within the Rancho Bernardo Community Plan; and

WHEREAS, the Map proposes the subdivision of a 27.05 acre site into one lot; and

WHEREAS, the project is exempt from environmental review pursuant to CEQA Section 15301 (existing facilities) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 316; and

WHEREAS, on July 19, 2007, , the Planning Commission of the City of San Diego considered Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059, and pursuant to Resolution No. DRAFT-PC voted to recommend City Council approval of the map; and

WHEREAS, on (to be determined) the City Council of the City of San Diego considered Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059, pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), 125.0941 (right-of-way vacation) and 125.1040 (easement abandonment) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059.

Tentative Map Findings (Section 125.0440):

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert

at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).

10. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
11. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
12. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
13. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
15. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).

16. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
20. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
21. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
22. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
23. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
24. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
25. The proposed subdivision complies with the parking regulations of the Land Development Code (Land Development Code Section 142.0505).
26. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

## Public Right-of-Way Vacation Findings (Section 125.0941):

27. There is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated in that the area of public right-of-way proposed to be vacated is a remnant future street easement that was not utilized with the improvement of Camino del Norte. The City of San Diego has determined that the future street easement will not be required and that due to the configuration of the easement would not serve any other public purpose.
28. The public will benefit from the action through improved use of the land made available by the vacation because the remnant parcel of the right-of-way serves no useful public purpose and the vacation would relinquish any and all liability of the City of San Diego associated with the existing easement.
29. The vacation does not adversely affect any applicable land use plan because the existing public improvements on Camino Del Norte are consistent with the Transportation Element of the Rancho Bernardo Community Plan and the City of San Diego Street Design Manual.
30. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation because the easement was for future street improvements for Camino Del Norte which has been fully improved and the easement to be vacated is a remnant of the original right-of-way.

## Easement Abandonment Findings (Section 125.1040):

31. There is no present or prospective use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated because the easements were never utilized. Alternative utility easements were established within the project site when the development was constructed and the easements proposed for vacation were not removed at the time. Existing buildings encroach over the old easements which would encumber the sale of the units in those structures.
32. The public will benefit from the action through improved use of the land made available by the easement because the property would be unencumbered by this action. The easements were never used for the intended purpose and replaced by alternative easements so no loss of service or access to the utilities would result in this abandonment.
33. The abandonment is consistent with the applicable land use plan in that the abandonment will provide additional housing opportunities in the Rancho Bernardo Community.

34. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists because the easement was never utilized. Alternative utility easements were established within the project site when the development was constructed so there would be no loss of service or access to existing easements that are to remain as a result of this action.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Camino del Norte and portions of general utility easements located within the project boundaries as shown in Tentative Map No. 352695, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059, is hereby granted to EQR Deerwood Vista, Inc, Applicant/Subdivider, subject to the following conditions attached hereto and made a part hereof:

#### GENERAL

1. This Tentative Map will expire July 19, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a



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disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
  - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
  - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The property contains a right-of-way and easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.
8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
9. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
10. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
11. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code,

- unless the tenant gives prior written notice of his or her intention not to exercise the right.
12. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

### **AFFORDABLE HOUSING**

13. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
14. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

### **ENGINEERING**

15. The subdivider shall reconstruct the emergency access driveway to install a controlled access device, remove the existing driveway apron and replace with sidewalk and a modified rolled curb, adjacent to the site on Camino Del Norte.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The subdivider shall replace the cracked and/or uplifted portions of sidewalk, adjacent to the site on Bernardo Center Drive and Camino Del Norte.
18. The subdivider shall reconstruct the 2 existing curb ramps to current City Standards at the northeast and northwest corners of the easterly private drive and the Bernardo Center Drive intersection.
19. The subdivider shall reconstruct the existing westerly driveway to current City Standards, maintaining the existing driveway width and providing sidewalk across the driveway span, adjacent to the site on Bernardo Center Drive.
20. The subdivider shall repair the broken irrigation pipe, located west of the westerly driveway entrance, adjacent to the site on Bernardo Center Drive.

21. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
22. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
23. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
24. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

## MAPPING

25. Pursuant to California Government Code section 66434 (g), the following right-of-ways and public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 352695, shall be vacated, contingent upon the recordation of the approved Map for the project:
  - a. All of that portion of Lot 1 in Map 11830 reserved for Future Street.
  - b. All of the Building Restricted Easement granted in Lots 1 and 2 in Map 11830.
  - c. A portion of the 42 feet wide General Utility Easement granted in Lots 1 and 2 in Map 11830.
26. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the

California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

27. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
28. Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **SEWER AND WATER**

29. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
30. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

#### **LANDSCAPE**

31. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

32. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
33. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
34. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
36. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

**INFORMATION:**

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations,

standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON [hearing date to be determined].

APPROVED: Michael Aguirre, City Attorney

By \_\_\_\_\_  
NAME  
Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
R- INSERT  
Reviewed by (project manager)

By \_\_\_\_\_  
John P. Hooper  
Development Project Manager  
Development Services Department

Job Order No. 42-6604

000443

**Rancho Bernardo Community Planning Board – 15 February 2007**

12578 Oaks North Drive – San Diego, CA 92128

Meeting Minutes Prepared by Hydee Luthra

<http://RBPlanningBoard.com>

**CALL TO ORDER:** Meeting called to order @ 7: 05 PM by Jim Denton at Oaks North Community Center, 12578 Oaks North Drive.

**ADMINISTRATIVE MATTERS:****1. Roll Call by Robin Kaufman:**

				P=Present		A=Absent		E=Excused		*Arrived after RC	
Joe Dirks	P	Richard House	P	Ed Kronenberger	P	Marc Posthumus-	P	Irving Sherman-	P	Tammie Wheatley	A
Teri Denlinger-	P	Joseph Howland-	P	Martin Lave	P	Myrna Reese -	P*	Carol Sliwa-	P	Ellen Willis	P
Jim Denton-	P	Dick Katz-	P	Hydee Luthra	P	Sheryl Schane	P	Vicki Touchstone-	P	John Woods-	P
Bill Renstrom	P	Robin Kaufman-	P	Lee Okeson-	P	Leatrice Segel--	E	Dick Walker-	P	Total Seated @RC=	21

**2. Approval of Minutes: Motion made, seconded and passed to approve minutes of 18 Jan. '07 (19-0-1).**

**3. Corresponding Secretary's Report:** Jim Denton requested that Joe Dirks, Corresponding Secretary, address the board. Joe stated that no correspondences were sent this month.

**4. Treasurer's Report:** Irving Sherman presented the treasurer's report. He explained that as of February 15<sup>th</sup> the bank balance was \$2,033.87 and the board has had no expenses during the calendar year. **Motion made, seconded and passed to approve the Financial Report as presented. (20-0-0).**

**CHAIR'S REMARKS:** Jim Denton thanked Irv Sherman for helping find a new location for the Planning Board meetings. The Chair mentioned that March 15<sup>th</sup>, 2007 will be the last meeting of the present board and newly elected members will be seated and new officers will be elected. Jim stated that there is a lack of interest in the community participation in various boards. He mentioned that there is a request for nominations for board officers. Jim pointed out that discussion on the agenda item about the Vistas would be deferred to the next meeting. \*Myrna Reese arrived.

**Residents' Period:** Jim Denton said that there were residents who wished to address 3 items to the Planning Board. Gordon Wagner expressed his concern for the RB High school sign. He mentioned that the sign was of poor design, and that it was a safety issue. Richard House addressed the board as a resident. He informed the board that a formal complaint is being prepared to be filed against the RB Planning Board because of the actions of three Board Members whose consistent actions, and efforts have been to, at best, minimize, if not totally eliminate any factual representation of the residents on Bernardo Oaks Drive in regards to their interests being affected by the expansion of the RB Inn, as well as within the RB Inn Neighborhood/Community Committee... which is to insure the Inn's compliance of their new CUP, and their "Additional Commitments".. The next resident to speak was Mark McElwe. Mark asked the board to consider churches, Synagogues when drafting the Vision Planning.

**Non-Board Member Liaison Reports:**

1. Planning Department – Brian Schoenfisch: Jim explained that Brian can only attend the Board meetings once every 3 months moving forward so he is not here today.
2. Council Member Brian Maienschein's Office – Brian Maienschein. Courtney Smith explained that the RB High school is not in the city violation code so there is nothing they can do. MTS board banned smoking within 25 feet of bus and trolley stops. She requested that if there are any pot holes to let Courtney know.
3. Supervisor Pam Slater's Representative – Jim Gonsalves – Jim mentioned that San Diego's economy is doing well. Jim informed the board on various items including honors on District 3 Slater's newsletter.
4. Assemblyman George Plescia's Representative – Andrew Lund – Andrew is absent but he did send information with respect to the sign in RB High school that Jim has addressed earlier.

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5. San Diego North Chamber of Commerce –Gary Powers – Sue Baer spoke for Gary. Sue stated that RB Alive will be on June 3<sup>rd</sup> 2007 and the Chamber would like to invite the Planning Board to be present at the event. Sue mentioned that the Chamber would like to be considered for the Vision Plan.

#### Agenda:

##### Items:

1. Oaks North Cell Tower Approval (voting item): Jim Denton asked John Woods to address the application for a cell tower at Oaks North. John explained that due to a lack of quorum at the Development Review Committee, this item could not be voted on. John invited Tim Kolset to explain details on the location and plans for the tower. After various discussions, a motion was made, seconded and passed to approve the installation of the Oaks North Cell Tower (21,0,0).
2. Condominium Conversion of Deerwood Apartments (voting item): The Chair requested that John Woods introduce the issue. John explained that once again due to lack of quorum no voting occurred at the Development Review committee. He invited Camille Passon to speak to the Board. Camille explained the plans for the conversion. Vicki Touchstone asked about the easement vacation and expressed her concern. Lee Okeson expressed concerns on the sound wall and asked if it was adequate level soundproofing. Kathy Keehan, a resident, addressed the board on this issue and requested that the bike lanes be added as per the community plan. A motion was made, seconded and passed to approve the vesting tentative map No. 352695 provided the building restricted easement on the undeveloped land along the western portion of the site is not vacated, that bike lanes be added per the community plan, that the sound wall by Camino del Norte be investigated and that traffic engineering look at the traffic issues in that area (20,1,0).
3. Vistas Site Mitigation (voting item): This item was deferred to the next meeting.
4. Officers/Chairs Nominations (informational item): Jim Denton explained that Vicki Touchstone, John Woods and himself would be trying to solicit members for the Chair and officer positions. He requested that any current members can be recommended.
5. March Elections Status (informational item): Jim Denton asked Teri Denlinger to provide a status. Teri mentioned that there are 10 openings and now there are 6 applications but there are 2 people for one position. Also, more volunteers will be needed to work the polls on March 3<sup>rd</sup> from 9am to 1pm. Lea Segle resigned and no one will be appointed for her position in advance.
6. Bylaws Update: Jim asked Ellen Willis to speak about the Brown Act. Ellen mentioned that herself and Hydee Luthra attended the Brown Act workshop on Jan. 25<sup>th</sup>, 2007. Ellen provided a thorough overview of all the details outlined in the workshop.
7. Vision Plan: The Chair stated that there are various items that will be encompassed in this plan including churches, synagogues etc...Resident including Eric Turbesky provided their feedback and opinions on the Vision Plan. Jim mentioned that the Vision Plan should no longer be part of the Agenda item of the Planning Board, instead it should exist on its own as a committee for example. Various members commented on the item.

#### Sub-Committee Reports:

1. Joint Traffic & Transportation – Dick Katz – Nothing to report.
2. Regional Issues – Vicki Touchstone – Vicki stated that the next meeting would be on March 6<sup>th</sup>.
3. Development Review – John Woods – No items for next meeting. Next meeting will be on February 27<sup>th</sup>, 2007 at 5:30pm.
4. Neighborhood & City Code Compliance – No report.
5. Publicity/Elections: Ellen Willis: Already discussed.

#### Liaison Reports:

1. Development Representative – Marc Posthumus – Marc mentioned that College Loans will be moving to Poway's Gateway computer building.
2. Industrial Representative – Tammie Wheatley – Tammie not present, no report.
3. Commercial Representative – John Woods – John had nothing to report.



000445

4. Community & Recreation Councils – Robin Kaufman: Robin outlined various items and presentations including Ramona Pipeline, Cruise Industry and its affect in San Diego etc...
5. San Dieguito River Valley Park – Joe Howland: Joe received an e-mail from Susan Carter about Lake Hodges bicycle lanes. There is a recommendation now to fund the project for phase 2 and the lanes should become available in 2008.
6. CPC – Jim Denton mentioned that the meeting would be next week so more details will be available in the next board meeting.
7. San Pasqual/Lake Hodges Planning Group – Ellen Willis explained that the Lake Hodges bike lane project was downsized but San Pasqual is not happy with that decision and requested an explanation for why it was downsized.
8. Compact – Richard House – Kathy spoke on Sandag. A bond was passed in November for transportation and San Diego has asked the state for funding to finish I 15 lanes (Southern portion). 2008 is when the I 15 will open for traffic.
9. Community HOA Liaisons: No reports from district representatives.

**OTHER BUSINESS** – Not applicable.

**ADJOURNMENT** – Meeting was adjourned at 9:32 PM.

Project Title:

Project No. (For City Use Only)

**Part II - To be completed when property is held by a corporation or partnership****Legal Status (please check):**

☒ Corporation (☐ Limited Liability -or- ☐ General) What State? IL  
☐ Partnership

Corporate Identification No. 5786-336-4

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

EDR-Deerwood Vistas, Inc.☒ Owner ☐ Tenant/Lessee26470 Aliso Viejo Pkwy #250

Street Address:

Aliso Viejo, CA 92656

City/State/Zip:

949-360-3955 949-360-3957

Phone No:

Fax No:

BARBARA SHUMAN

Name of Corporate Officer/Partner (type or print):

VICE PRESIDENT

Title (type or print):

Signature:

Barbara Shuman

Date:

4/12/06

Corporate/Partnership Name (type or print):

☐ Owner☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner☐ Tenant/Lessee

Street Address:

Aliso Viejo, CA 92656

City/State/Zip:

949-360-3955 949-360-3957

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

M. M. M. M.

Date:

04/05/06

Corporate/Partnership Name (type or print):

☐ Owner☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

DEVELOPMENT SERVICES  
**Project Chronology**  
 15640 BERNARDO TENTATIVE MAP; PROJECT NO. 106141

	Action	Description	City Review Time	Applicant Response
7/12/06	First Submittal	Project Deemed Complete		
8/1/06	First Assessment Letter	First assessment letter sent to applicant.	13 days	
9/28/06	Second submittal	Applicant's response to first assessment letter		43 days
11/1/06	Second Assessment Letter	Second assessment letter sent to applicant	21 days	
3/23/07	Third submittal	Applicant's response to second assessment letter		114 days
3/07	Environmental Appeal			
5/2/07	All issues resolved			37days
7/19/07	Public Hearing-Planning Commission	Planning Commission Hearing - First Available	36 days	
TOTAL STAFF TIME**			70 days	
TOTAL APPLICANT TIME**				194 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	264 business days	

\*\*Based on 30 days equals to one month.

000449

# REQUEST FOR COUNCIL ACTION

## CITY OF SAN DIEGO

RECEIVED

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE)

331

10/23

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): Development Services Department

CITY CLERK'S OFFICE

3. DATE: September 4, 2007

4. SUBJECT: 15640 Bernardo Tentative Map - Project No. 106141

07 OCT -3 AM 10:13

5. PRIMARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Patrick Hooper: (619) 557-7992, MS501

6. SECONDARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Michelle Sokolowski:

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	1317				
ORGANIZATION	1671				
OBJECT ACCOUNT	4022				
JOB ORDER	42-6604				
C.I.P. NUMBER	N/A				
AMOUNT					

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	MICHELLE WESTLAKE	9/25/07	8	DEPUTY CHIEF	WILLIAM ANDERSON	9/28/07
2	EAS	MARTHA BLAKE	9/21/07	9	COO		
3				10	CITY ATTORNEY		10/2/07
4	CFO	N/A		11	ORIG. DEPT	PATRICK HOOPER	10/3/07
5					DOCKET COORD:	COUNCIL LIAISON	
6					COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE:	

11. PREPARATION OF: ☒ RESOLUTIONS ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

- 1) Approving Tentative Map No. 352695 as conditioned;
- 2) Approving Easement Abandonment No. 366059 as conditioned;
- 3) Approving Public Right-of-Way Vacation No. 366060 as conditioned.

11A. STAFF RECOMMENDATIONS:

## 12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT: FIVE

COMMUNITY AREA(S): RANCHO BERNARDO

ENVIRONMENTAL IMPACT: THIS ACTIVITY IS EXEMPT FROM CEQA PURSUANT TO SECTION 15301(K) OF THE STATE CEQA GUIDELINES (EXISTING FACILITIES)

HOUSING IMPACT: NONE WITH THIS ACTION

OTHER ISSUES: STANDARD 1472 SUPPORTING DOCUMENT INFORMATION ATTACHED. TEN (10) WORKING DAY PUBLIC NOTICE REQUIRED.

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: July 12, 2007

REPORT NO.: PC-07-103

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: 15640 Bernardo Tentative Map - Project No. 106141

COUNCIL DISTRICT(S): Five

STAFF CONTACT: Patrick Hooper: 557-7992; phooper@sandiego.gov

REQUESTED ACTION:

This action is requesting approval of a Tentative Map to convert 316 existing apartment units into condominiums. The map includes a request to vacate a remnant portion of Camino Del Norte shown as a future street reservation, and a request to abandon portions of an unused general utility easement on a 27.05 acre site located at 15640 Bernardo Center.

STAFF RECOMMENDATION:

1. APPROVE Tentative Map No. 352695; and
2. APPROVE Easement Abandonment No. 366059; and
3. APPROVE Public Right-of-Way Vacation No. 366060.

EXECUTIVE SUMMARY:

The existing apartment complex consists of 37 separate structures containing 315 rental units, a manager's apartment and a recreation facility. The project was constructed in 1988 pursuant to Planned Residential Development Permit (PRD) No. 87-0943 and the R-3000 Zone multi-family development regulations in effect at that time. Surrounding land uses include a light industrial park to the north, open space to the east, a small commercial node to the south and single-family development to the south and west.

The proposed project is requesting a Tentative Map to convert the existing rental units into condominiums. The 27.05 acre site is located at 15640 Bernardo Center Drive at the intersection of Bernardo Center Drive and Camino Del Norte in the Rancho Bernardo Community Plan area. The existing buildings consist of two floors of habitable space over grade-level semi-enclosed parking structure. The unit mix ranges from 900 square feet to 1,995 square feet and includes a variety of two and three bedroom floor plans. The project requires a minimum of 427 off-street parking spaces to comply with current condominium parking standards, however, the proposed project provides 674 existing off-street spaces which would remain as currently configured on the site. The proposed Tentative Map also includes a request to vacate an unused portion of Camino Del Norte shown as a "future street easement" that is no longer required by the City; and an easement abandonment for portions of an unused general utility easements on the property. The Camino del Norte vacation involves a remnant triangular sliver of public right-of-way. The right-of-way was dedicated as part of the original subdivision as a "future street reservation" however the reservation was not used when the street was improved and has been determined to no longer be necessary, therefore staff has required the developer to vacate the dedication as a part of the tentative map. Likewise, the proposed easement abandonment would remove dedicated portions of general utility easements on the site that were never utilized for their intended purpose. Instead, alternative utility easements were dedicated within the project's access roads and along the exterior of the property where the utilities were installed and will remain. The original unused easements have several structures built over them. These physical

encroachments have no effect on the property when the units are apartments but would encumber the title for sale of individual units if the proposed tentative map to convert the units to condominiums is approved. Staff has no objection to the abandonment of the unused easements. This condominium conversion project was deemed complete on July 12, 2006, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance. Condominium conversion projects of twenty or more units are required to satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306 of the San Diego Municipal Code. Therefore, prior to the recordation of the final map, the Subdivider must enter into an agreement with the San Diego Housing Commission to assure that the 32 (10%) of the affordable units are sold at restricted prices to eligible households. Additionally, the proposed conversion shall provide a relocation assistance payment to all tenants of the project. Staff has reviewed the application and determined the project complies with the Subdivision Map Act and the applicable sections of the Land Development Code including the Inclusionary Housing regulations and the new Condominium Conversion regulations. Staff determined that the proposed conversion is consistent with the recommended land use and density of the Rancho Bernardo Community Plan. Staff concluded that the proposed vacation of existing right-of-way and utility easements are appropriate actions for the tentative map in that the easements are no longer required and there is no public benefit to maintaining the unused easements. The project was determined to be exempt from environmental review pursuant to CEQA Guidelines.

FISCAL CONSIDERATIONS:

None with this action. The applicant is paying the cost of processing this application.

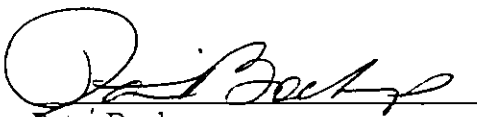
PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

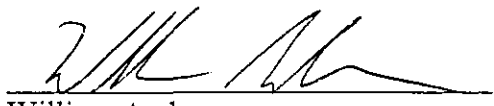
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Planning Commission placed the item on the July 19, 2007, Consent Agenda and recommended approval of the project 6-0-1 with Commissioner Griswold absent. On February 15, 2007, the Rancho Bernardo Community Planning Board voted 20-1-0 to recommend approval of the project.

KEY STAKEHOLDERS:

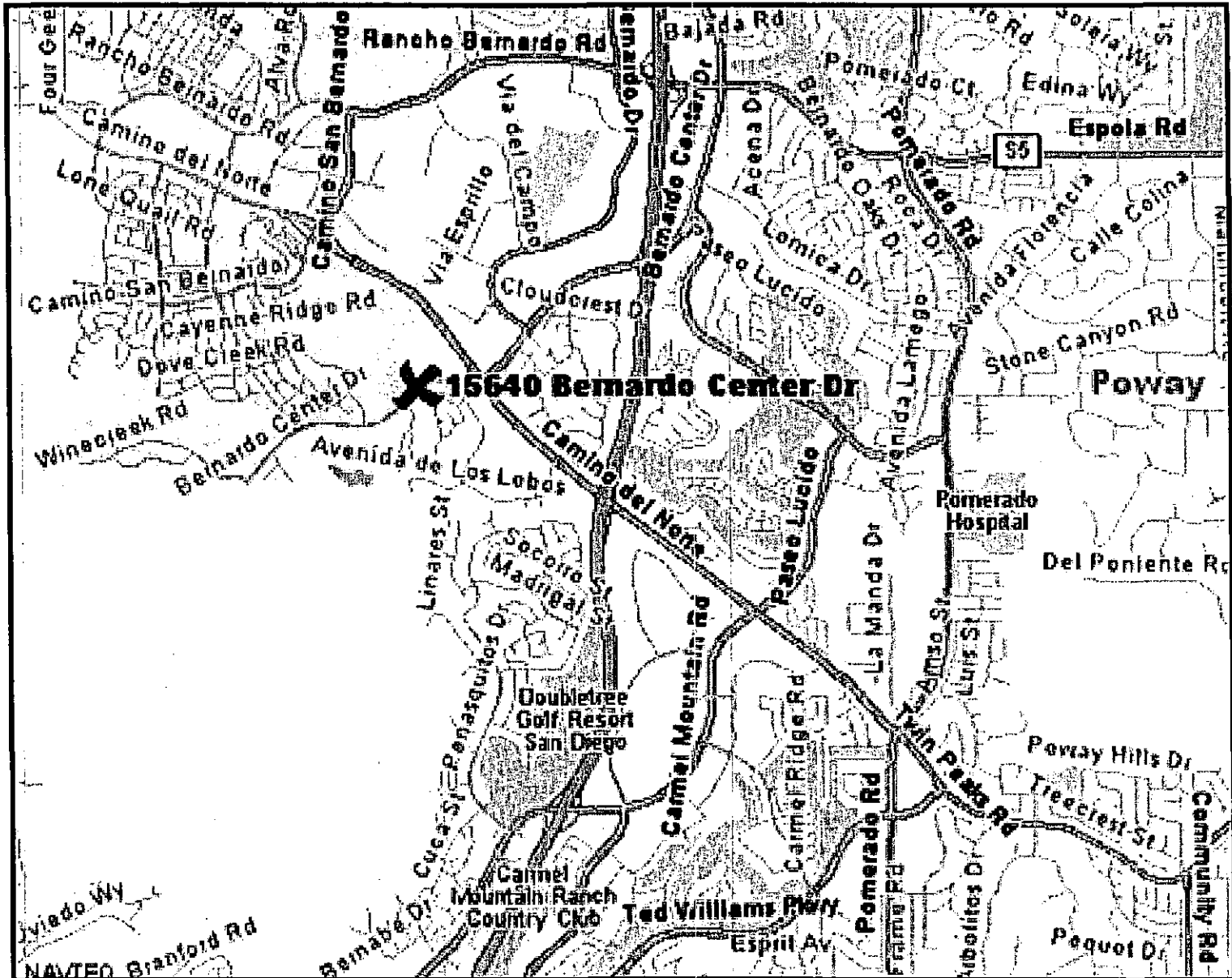
EQR Deerwood Vista, Inc. (owner) Project Design Consultants (applicant)

  
Patty Boekamp  
Interim Director  
Development Services Department

  
William Anderson  
Deputy Chief of Land Use and  
Economic Development

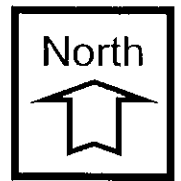
ATTACHMENTS:

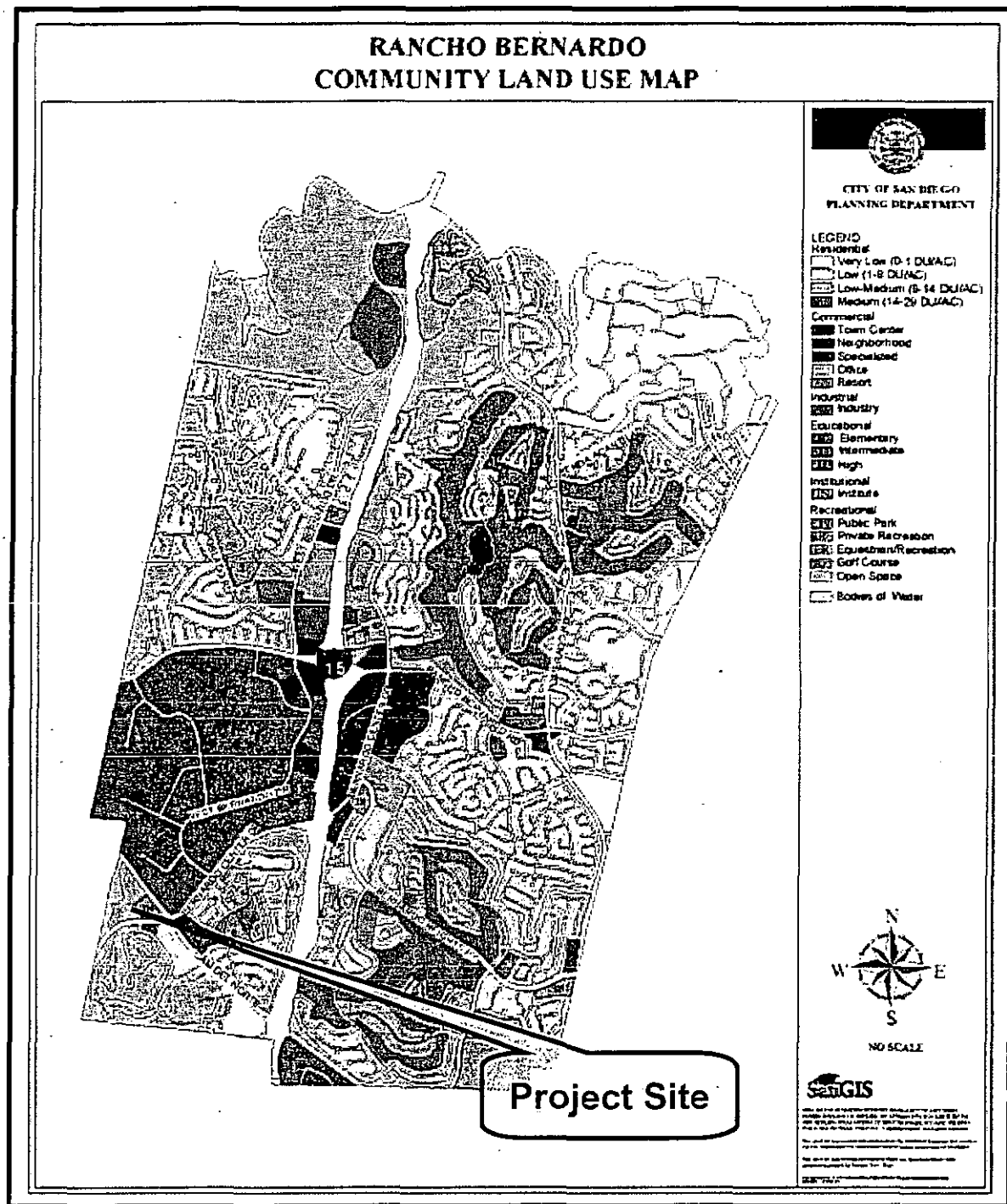
1. Location Map
2. Community Plan Land Use Map
3. Project Photos
4. Planning Commission Report No. PC-07-103



# Project Location Map

15640 BERNARDO TENTATIVE MAP – PROJECT NO. 106141  
 15640 Bernardo Center Drive

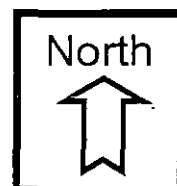




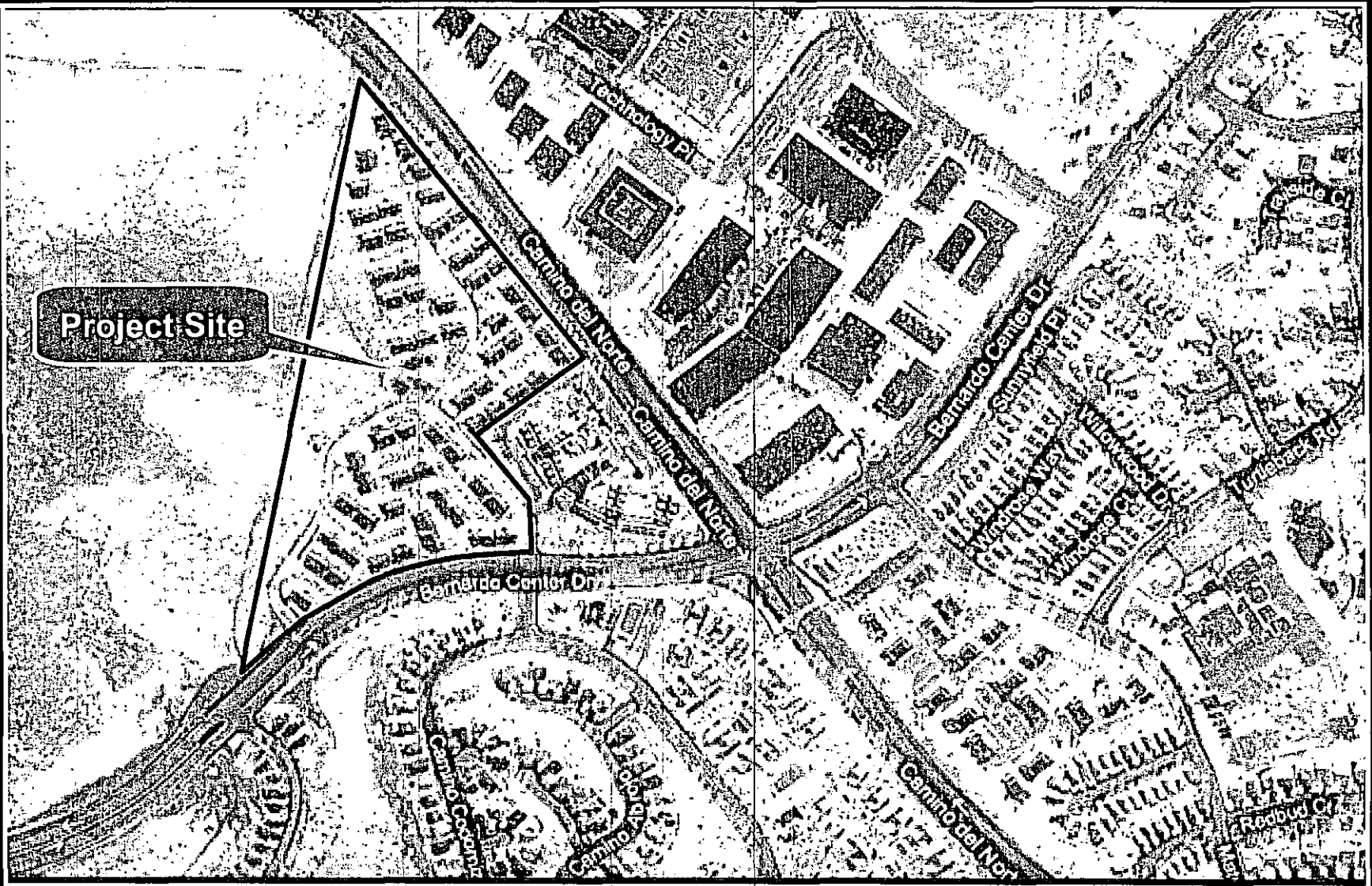
## Community Plan Land Use Map

15640 BERNARDO TENTATIVE MAP – PROJECT NO. 106141

15640 Bernardo Center Drive







## Aerial Photo

15640 BERNARDO TENTATIVE MAP - PROJECT NO. 106141

15640 Bernardo Center Drive





**Development Services Department  
Project Management Section**

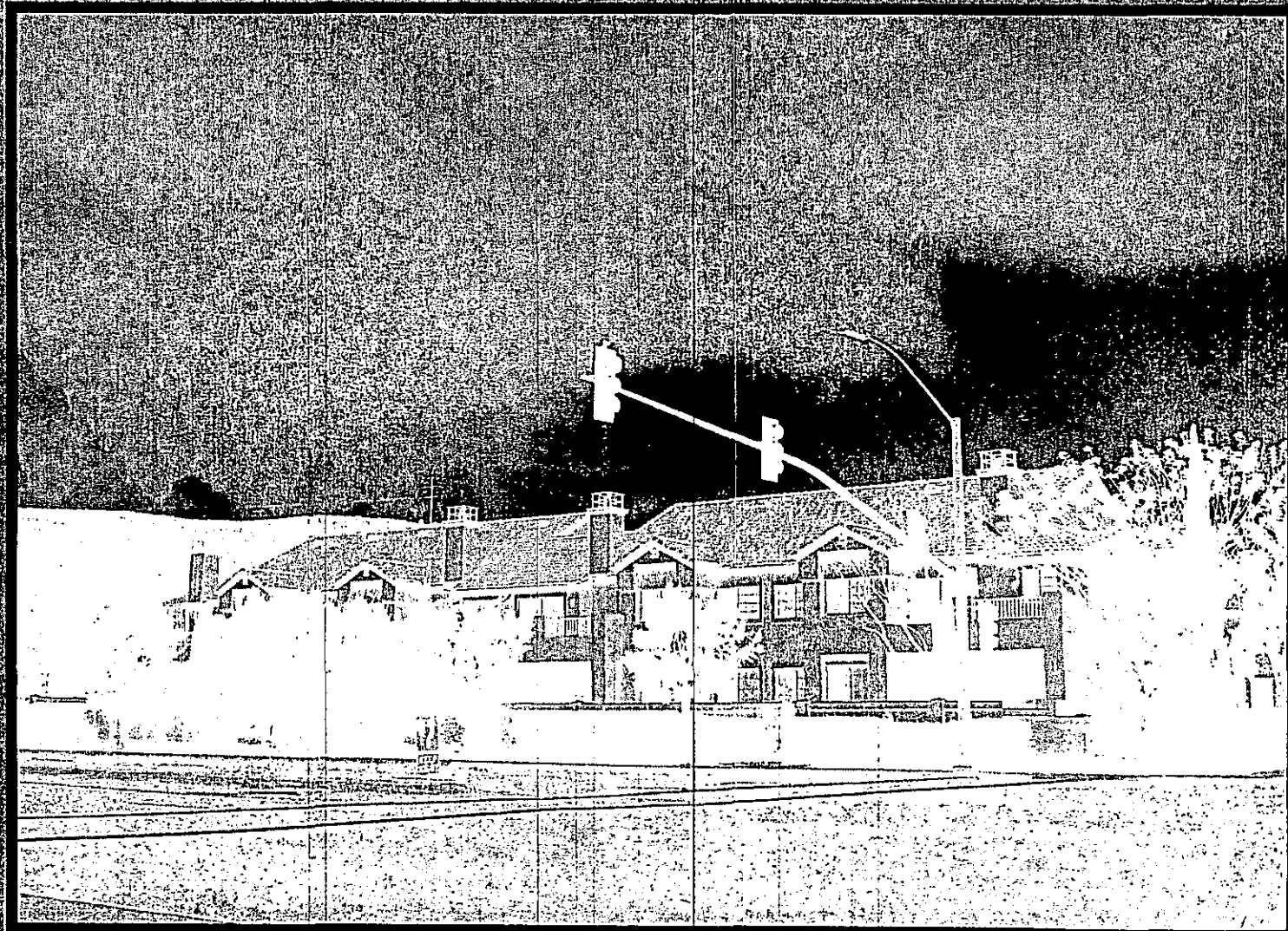
000457





**Development Services Department  
Project Management Section**

000458



**Development Services Department  
Project Management Section**

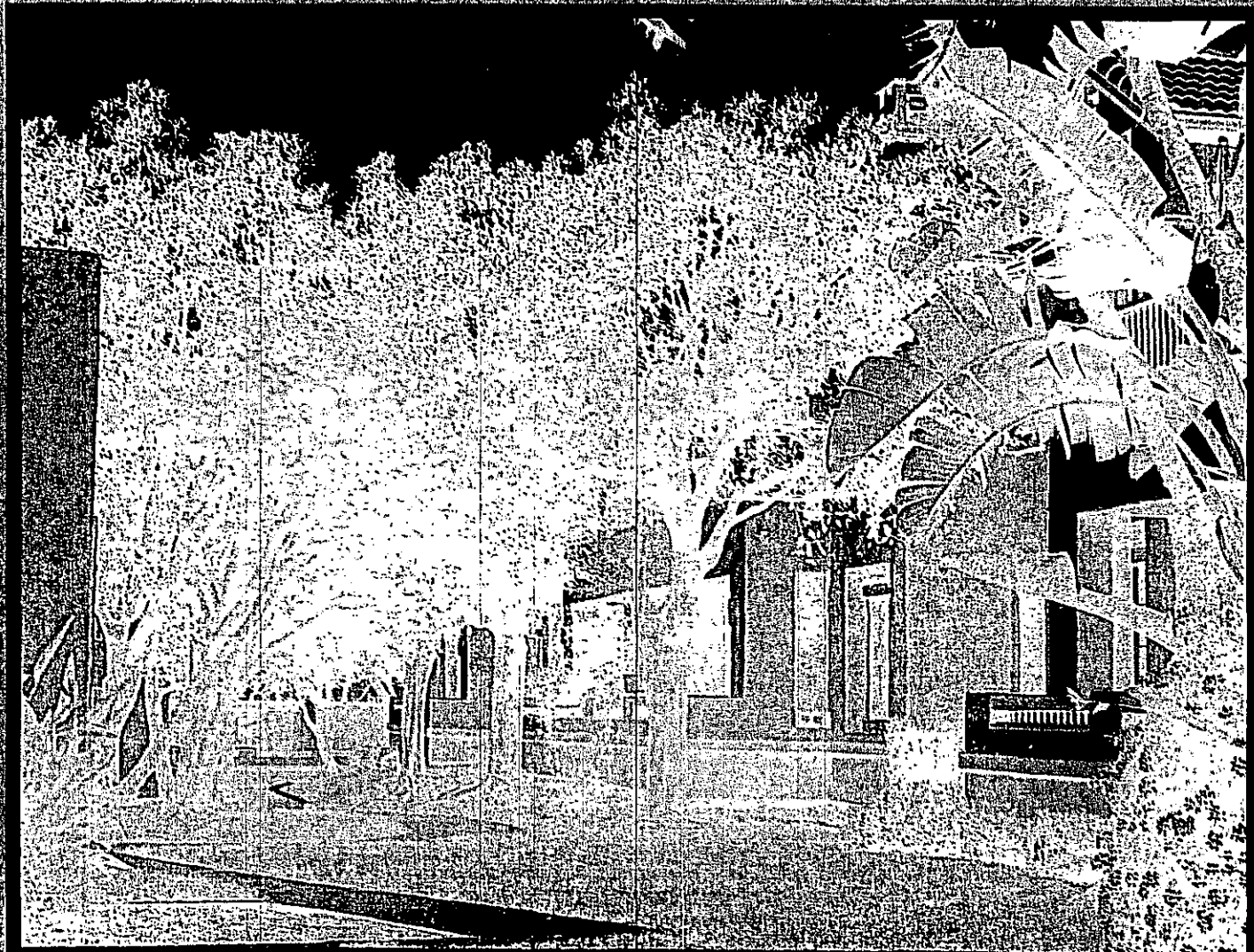
000459





Development Services Department  
Project Management Section

000460



**Development Services Department  
Project Management Section**

000461



000463

NOTICE OF EXEMPTION

TO:   X   RECORDER/COUNTY CLERK  
P.O. BOX 1750, MS A-33  
1600 PACIFIC HWY, ROOM 260  
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
1222 FIRST AVENUE, MS 501

           OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814

PROJECT NO.: 106141

PROJECT TITLE: **15640 BERNARDO TENTATIVE MAP**

PROJECT LOCATION-SPECIFIC: 15640 Bernardo Center Drive, in the RM-1-1 (Residential; Multi-Unit) zone within the Rancho Bernardo Community Plan (Lots 1 and 2 of Camino Bernardo Villa, Map No. 11830; APN No. 313-301-32).

PROJECT LOCATION-CITY/COUNTY: San Diego

DESCRIPTION OF PROJECT: Tentative Map to convert 316 existing residential apartment units to residential condominiums on a 27.05-acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: ProjectDesign Consultants, 701 B Street, Suite # 800, San Diego, CA 92101 (619) 881-3464

EXEMPT STATUS: (CHECK ONE)

- ( ) MINISTERIAL (SEC. 15268)  
( ) DECLARED EMERGENCY [SEC. 15269 (A)]  
( ) EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]  
(X) CATEGORICAL EXEMPTION (*STATE TYPE AND SECTION NUMBER*): Existing Facilities, Section 15301(k)  
( ) OTHER (*STATE TYPE AND SECTION NUMBER*):

REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment.

CONTACT PERSON: Kenneth Teasley

TELEPHONE: (619) 446-5390

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?  
( ) YES ( ) NO

\_\_\_\_\_  
SIGNATURE/TITLE

\_\_\_\_\_  
DATE

CHECK ONE:

- ( ) SIGNED BY LEAD AGENCY  
( ) SIGNED BY APPLICANT

DATE RECEIVED FOR FILING: \_\_\_\_\_



000465

# DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 106141

Date: July 25, 2006

Action/Permit(s): Tentative Map

**Description of Activity:** 15640 Bernardo Tentative Map. Tentative Map to convert 316 existing residential apartment units to residential condominiums on a 27.05-acre site.

**Location of Activity:** 15640 Bernardo Center Drive, in the RM-1-1 (Residential; Multi-Unit) zone within the Rancho Bernardo Community Plan (Lots 1 and 2 of Camino Bernardo Villa, Map No. 11830; APN No. 313-301-32).

1. ☐ This activity is **EXEMPT FROM CEQA** pursuant to:
- ☐ Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

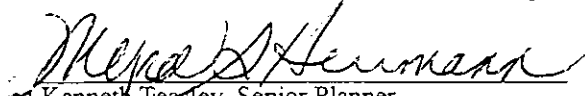
## ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

Section	Short Name
<input checked="" type="checkbox"/> 15301	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> 15332	In-fill Development Project
<input type="checkbox"/> Other	

## ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego  
has determined the above activity to be exempt:

  
Kenneth Teasley, Senior Planner  
Environmental Analysis Section

Distribution:

Exemption File  
Laila Iskandar, Development Project Manager

Revised 9/13/04 - AH

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, EQR Deerwood Vista, Inc., Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 352695), easement abandonment (Easement Abandonment No. 366059), and public right-of-way vacation (Public Right-of-Way Vacation No. 366060), for the conversion of 316 residential units into condominiums, for the 15640 Bernardo Tentative Map [Project], located 15640 Bernardo Center Drive, in the Rancho Bernardo Community Plan area, in the RM-1-1 zone; and

WHEREAS, the Map proposes the subdivision of a 27.05 acre site into one lot; and

WHEREAS, on July 19, 2007, the Planning Commission of the City of San Diego considered Tentative Map No. 352695, Public Right-of-Way No. 366060, and Easement Vacation No. 366059, and pursuant to Resolution No. 4287-1-PC voted to recommend City Council approval of the Tentative Map, Public Right-of-Way Vacation and Easement Abandonment; and

WHEREAS, the Project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act [CEQA] on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and/or geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium units is 316; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 352695, Public Right-of-Way Vacation No. 366060, and Easement Vacation No. 366059:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a)) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

**000469**

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.044) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. Each of the tenants of the proposed condominium project has received, pursuant to Subdivision Map Act Section 66452.9, written notification of intention to convert at least sixty days prior to the filing of a tentative map (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

10. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

11. The project has been conditioned that the Subdivider will give each tenant ten days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

12. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within ten days of approval of a final map for the proposed conversion (LDC section 125.0444 and Subdivision Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.

13. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (LDC section 125.0444 and Subdivision Map Act Section 66427.1(c)).

14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within five working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (LDC section 125.0444 and Subdivision Map Act Section 66427.1(d)).

15. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (LDC section 125.0444.(b)).

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16. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (LDC section 125.0444(c)).

17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least ten days after the application was deemed complete (LDC section 125.0431(a)(3)).

18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (LDC 25.0431(a)(3)).

19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (LDC section 125.0431(a)(4)).

20. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (LDC section 144.0504(b)).

21. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (LDC section 144.0504(c)).

22. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (LDC section 144.0505).

23. The project has been conditioned for the subdivider to complete the physical improvements as outlined in LDC section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

24. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with LDC section 142.1306. (LDC section 44.0508).

25. The proposed subdivision complies with the parking regulations of the Land Development Code (LDC section 142.0505).

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to SDMC section 125.0941, the Council approves the following findings for the Public Right-of-Way Vacation:

1. There is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated in that the area of public right-of-way proposed to be vacated is a remnant future street easement that was not utilized with the improvement of Camino del Norte. The City of

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San Diego has determined that the future street easement will not be required and that due to the configuration of the easement would not serve any other public purpose.

2. The public will benefit from the action through improved use of the land made available by the vacation because the remnant parcel of the right-of-way serves no useful public purpose and the vacation would relinquish any and all liability of the City of San Diego associated with the existing easement.

3. The vacation does not adversely affect any applicable land use plan because the existing public improvements on Camino Del Norte are consistent with the Transportation Element of the Rancho Bernardo Community Plan and the City of San Diego Street Design Manual.

4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation because the easement was for future street improvements for Camino Del Norte which has been fully improved and the easement to be vacated is a remnant of the original right-of-way.

BE IT FURTHER RESOLVED, that pursuant to SDMC section 125.1040, the Council approves the following findings for the Easement Abandonment:

1. There is no present or prospective use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated because the easements were never utilized. Alternative utility easements were established within the project site when the development was constructed and the easements proposed for vacation were not removed at the time. Existing buildings encroach over the old easements which would encumber the sale of the units in those structures.

2. The public will benefit from the action through improved use of the land made available by the easement because the property would be unencumbered by this action. The easements were never used for the intended purpose and replaced by alternative easements so no loss of service or access to the utilities would result in this abandonment.

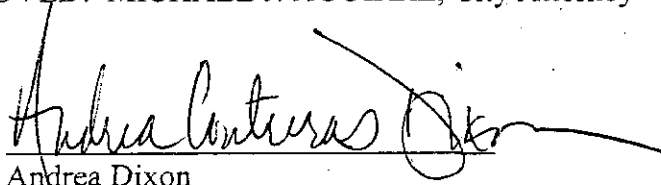
3. The abandonment is consistent with the applicable land use plan in that the abandonment will provide additional housing opportunities in the Rancho Bernardo Community.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists because the easement was never utilized. Alternative utility easements were established within the project site when the development was constructed so there would be no loss of service or access to existing easements that are to remain as a result of this action.

BE IT FURTHER RESOLVED, that Tentative Map No. 352695, Easement Abandonment No. 366059 and the Public Right-of-Way Vacation No. 366060 is granted to EQR Deerwood Vista, Inc., Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Andrea Dixon  
Deputy City Attorney

AD:ca  
10/02/07  
Or. Dept.: DSD  
R-2008-263  
MMS#5353

CONDITIONS FOR TENTATIVE MAP NO.352695,  
EASEMENT ABANDONMENT NO. 366059  
RIGHT-OF-WAY VACATION NO. 366060

1564 BERNARDO TENTATIVE MAP PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Tentative Map will expire on \_\_\_\_\_, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Tentative Map No. 352695; Public Right-of-Way Vacation No. 366060 and Easement Vacation No. 366059.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:



- a. For existing tenants, within ten days of the project application for the *condominium conversion* being deemed complete; or
  - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The property contains a right-of-way and easement which must be vacated to implement the Final Map in accordance with [SDMC] section 125.0430.
8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
9. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least ten days prior to the submittal to the Department of Real Estate [DRB], pursuant to Section 66427.1(a) of the Subdivision Map Act.
10. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
11. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
12. The Subdivider shall provide the tenants of the proposed condominiums with written notification within ten days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

**AFFORDABLE HOUSING**

13. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the LDC ).
14. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

**ENGINEERING**

15. The subdivider shall reconstruct the emergency access driveway to install a controlled access device, remove the existing driveway apron and replace with sidewalk and a modified rolled curb, adjacent to the site on Camino Del Norte.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The subdivider shall replace the cracked and/or uplifted portions of sidewalk, adjacent to the site on Bernardo Center Drive and Camino Del Norte.
18. The subdivider shall reconstruct the two existing curb ramps to current City Standards at the northeast and northwest corners of the easterly private drive and the Bernardo Center Drive intersection.
19. The subdivider shall reconstruct the two existing westerly modified commercial driveways to current City Standards, maintaining the existing driveway width and providing sidewalk across the driveway span, adjacent to the site on Bernardo Center Drive.
20. The subdivider shall repair the broken irrigation pipe, located west of the westerly driveway entrance, adjacent to the site on Bernardo Center Drive.

21. The subdivider shall remove the two existing curb ramps and replace with full height curb, gutter, and sidewalk at the Bernardo Center Drive and Camino Crisalida intersection, adjacent to the site.
22. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
23. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
24. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (LDC Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in LDC Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
25. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

## **MAPPING**

26. Pursuant to California Government Code section 66434 (g), the following right-of-ways and public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 352695, shall be vacated, contingent upon the recordation of the approved Map for the project:
  - a. All of that portion of Lot 1 in Map 11830 reserved for Future Street.
  - b. All of the Building Restricted Easement granted in Lots 1 and 2 in Map 11830.

- c. A portion of the 42 feet wide General Utility Easement granted in Lots 1 and 2 in Map 11830.
27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
  28. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
  29. Final Map shall:
    - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
    - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **SEWER AND WATER**

30. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
31. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
32. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed.

33. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
34. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
35. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.
36. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
37. The Subdivider shall install two new gate valves on the on-site water system and one new fire hydrant adjacent to the project's existing driveway on Camino del Norte.
38. The Subdivider shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.
39. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map may require modification to comply with standards.
40. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

**LANDSCAPE**

41. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
42. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
43. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
44. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.
45. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
46. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
47. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

**INFORMATION:**

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. SDMC Section 142.0607.

*Item # 9*

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
JULY 19, 2007  
IN CITY COUNCIL CHAMBERS - 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING**

**CHRONOLOGY OF THE MEETING:**

Chairperson Schultz called the meeting to order at 9:06 a.m. Chairperson Schultz adjourned the meeting at 5:01 pm.

**ATTENDANCE DURING THE MEETING:**

Chairperson Barry Schultz- present  
Vice-Chairperson Kathleen Garcia- present  
Commissioner Robert Griswold- Not present  
Commissioner Gil Ontai-present  
Commissioner Dennis Otsuji- present  
Commissioner Eric Naslund- present  
Commissioner Michael Smiley-present  
Andrea Dixon, City Attorney- present  
Mary Wright, Planning Department – present  
Mike Westlake, Development Services Department-present  
Sabrina Curtin, Recorder-present



THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS ADDRESSED IN REPORT NO. PC-07-097 Second by Commissioner Ontai. Passed by a 6-0-1 vote with Commissioner Griswold not present. Resolution No. 4286-PC

✓ ITEM-9:

**15640 BERNARDO TENTATIVE MAP- PROJECT NO. 106141**  
City Council District: 5 Plan Areas: Rancho Bernardo

Patrick Hooper presented Report No. PC-07-103 to the Planning Commission.  
Speaker slips submitted in favor by Moises Macias, and Camille Passon.  
Public Testimony was closed.

**COMMISSION ACTION:**

MOTION BY VICE-CHAIRPERSON GARCIA RECOMMEND TO THE CITY COUNCIL TO APPROVE TENTATIVE MAP NO. 352695. APPROVE EASEMENT ABANDONMENT NO. 266059. APPROVE PUBLIC RIGHT-OF-WAY VACATION NO. 266060. Second by Commissioner Ontai. Passed by a 6-0-1 vote with Commissioner Griswold not present. Resolution No. 4287-PC

ITEM-10: **CABRILLO PALISADES TENTATIVE MAP - PROJECT NO. 974729:51:03 AM**  
City Council District: 6 Plan Area: Serra Mesa

Jeannette Temple presented Report No. PC-07-106 to the Planning Commission.

Speaker slips submitted in favor by Vernon Frank, Phillip Manchery,  
Speaker slip submitted in opposition by Chris Farley, Don Kitchen, and Theresa Fuller.  
Public Testimony was closed.

**COMMISSION ACTION:**

Motion by Vice-Chairperson Garcia to deny the tentative map no. 317699 and deny the request to waive the requirement to underground existing overhead utilities due to inability to make finding no. 2, which reads; *The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced*